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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/929,110

Applicant(s)

HAINO ET AL.

Examiner

NIGAR CHOWDHURY

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 22-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/18/2008 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 17-18 have been renumbered 22 and 23.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 7, 10, 12, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6148140 by Tomoyuki Okada in view of US 6,341,196 by Ando et al.

3. Regarding **claim 1**, Okada teaches an apparatus for recording information in a recordable recording medium (See Fig. 17) in conformity to a recording format (See Col. 76 line 37-42), the recording format defining unit recording information (See Col. 34 line 61-65) and first managing control information (fig. 4A, 12, 70, col. 14 lines 34-39, col. 77 lines 12-col. 78 lines 56), the unit recording information including recording information and reproduction control information, the apparatus comprising:

- A first recording device (See Fig. 17, Col. 34 line 51) for recording unit recording (See Col. 34 line 61-65) information in recordable recording medium;
- A first generating device (See Fig. 17, Col. 34 line 50-55) for, generating second managing control information corresponding to a number of the recorded unit recording information (fig. 6, col. 17 lines 65-col. 18 lines 40, col. 23 lines 60-col. 24 lines 45);

- A second generating device for generating the first managing control information (fig. 4A, 12, 70, col. 14 lines 34-39, col. 77 lines 12-col. 78 lines 56) on a basis of the generated second managing control information (fig. 6, col. 17 lines 65-col. 18 lines 40, col. 23 lines 60-col. 24 lines 45); and
- A second recording device (See fig. 17, col. 34 line 51) for recording generated first and second managing control information (VOB), first and second managing control information being recorded in first and second areas of recordable recording medium respectively (See Col. 14 line 14-17).

Okada fails to disclose the first area including tentatively recorded video manager information, the tentatively recorded video manager information being recorded at a point where recording of information is not terminated

Ando discloses the first area including tentatively recorded video manager information, the tentatively recorded video manager information being recorded at a point where recording of information is not terminated (fig. 23, col. 30 lines 28-col. 31 lines 36)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of Okada's system to include video manager information, as taught by Ando, for the advantage of providing basic information on the RTR disk is written.

4. Regarding **claim 4**, Okada discloses the apparatus further comprising a third recording device (See Fig. 17 (70)) for recording (See Fig. 17 (1, 2, 7, 3)) first managing control information by using recorded second managing control information when the recording of recording information is terminated (See Fig. 84, Col.94 line 12-67, Col. 95 line 1-8).

5. Regarding **claim 7**, Okada teaches a method for recording information in a recordable recording medium (See fig. 17) in conformity to a recording format (See col. 76 line 37-42), the recording format defining unit recording information (See col. 34 line 61-65) and first managing control information (fig. 4A, 12, 70, col. 14 lines 34-39, col. 77 lines 12-col. 78 lines 56), the unit recording information including recording information and reproduction control information, the method comprising:

- A first recording process (See fig. 17, col. 34 line 51) for recording unit recording (See col. 34 line 61-65) information in recordable recording medium;
- A first generating process (See Fig. 17, Col. 34 line 50-55) for, generating second managing control information corresponding to a number of the recorded unit recording information (fig. 6, col. 17 lines 65-col. 18 lines 40, col. 23 lines 60-col. 24 lines 45);
- A second generating device for generating the first managing control information (fig. 4A, 12, 70, col. 14 lines 34-39, col. 77 lines 12-col. 78 lines 56) on a basis of the generated second managing control information

(fig. 6, col. 17 lines 65-col. 18 lines 40, col. 23 lines 60-col. 24 lines 45);

and

- A second recording process (See Fig. 17, Col. 34 line 51) for recording generated first and second managing control information (VOB), first and second managing control information being recorded in first and second areas of recordable recording medium respectively (See Col. 14 line 14-17).

Okada fails to disclose the first area including tentatively recorded video manager information, the tentatively recorded video manager information being recorded at a point where recording of information is not terminated

Ando discloses the first area including tentatively recorded video manager information, the tentatively recorded video manager information being recorded at a point where recording of information is not terminated (fig. 23, col. 30 lines 28-col. 31 lines 36)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of Okada's system to include video manager information, as taught by Ando, for the advantage of providing basic information on the RTR disk is written.

6. Regarding **claim 10**, Okada discloses the method further comprising a third recording process (See Fig. 17 (70)) for recording (See Fig. 17 (1, 2, 7, 3)) first managing control information by using recorded second managing control information

when the recording of recording information is terminated (See Fig. 84, Col.94 line 12-67, Col. 95 line 1-8).

7. Regarding **claim 12**, Okada shows an information recording medium in which a recording control program is recorded capable of being read by a recording computer (See Fig. 17 (1), Col. 1 line 13) an information recording apparatus for recording information in a recordable recording medium (See Fig. 17) in conformity to a recording format (See Col. 76 line 37-42), the recording format defining unit recording information (See col. 34 line 61-65) and first managing control information (fig. 4A, 12, 70, col. 14 lines 34-39, col. 77 lines 12-col. 78 lines 56), the unit recording information including recording information and reproduction control information, the recording control program causing the recording computer to function as:

- A first recording device (See Fig. 17, Col. 34 line 51) for recording unit recording (See Col. 34 line 61-65) information in recordable recording medium;
- A first generating device (See Fig. 17, Col. 34 line 50-55) for, generating second managing control information corresponding to the recorded unit recording information (fig. 6, col. 17 lines 65-col. 18 lines 40, col. 23 lines 60-col. 24 lines 45);
- A second generating device for generating the first managing control information (fig. 4A, 12, 70, col. 14 lines 34-39, col. 77 lines 12-col. 78 lines 56) on the basis of the generated second managing control

information (fig. 6, col. 17 lines 65-col. 18 lines 40, col. 23 lines 60-col. 24 lines 45);

- A second recording device (See Fig. 17, Col. 34 line 51) for recording generated first and second managing control information (VOB), first and second managing control information being recorded in first and second areas of recordable recording medium respectively (See Col. 14 line 14-17).

Okada fails to disclose the first area including tentatively recorded video manager information, the tentatively recorded video manager information being recorded at a point where recording of information is not terminated

Ando discloses the first area including tentatively recorded video manager information, the tentatively recorded video manager information being recorded at a point where recording of information is not terminated (fig. 23, col. 30 lines 28-col. 31 lines 36)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of Okada's system to include video manager information, as taught by Ando, for the advantage of providing basic information on the RTR disk is written.

8. Regarding **claim 15**, the recording control program causes the recording computer to further function as a third recording device (See Fig. 17 (70)) for recording (See Fig. 17 (1, 2, 7, 3)) first managing control information by using recorded second

managing control information when the recording of recording information is terminated (See Fig. 84, Col.94 line 12-67, Col. 95 line 1-8).

9. Claim 2, 3, 5, 8, 9, 11, 13, 14, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6148140 to Tomoyuki Okada and US 6,341,196 by Ando et al. in view of U.S. Patent No. 6501727 to Mitsuyuki Nozaki.

10. Regarding **Claim 2**, Okada teaches a first recording device which records the recording information and second recording device which records second managing control information. Ando teaches first area including tentatively recorded video manager information. Okada and Ando fail to teach recording of reproduction control information after recording information is recorded; second managing control information is recorded between recording information and reproduction control information.

Nozaki teaches (in Col. 9 line 58-62) after recording information is recorded in a first recording device, records reproduction control information corresponding to the recording information in an area on recordable recording medium, and also area detected ahead of the recording information (See Col. 1 line 62-64); second managing control information is recorded in an area located between the area in which recording information is recorded and the area in which reproduction control information is recorded (See Col. 6 line 25-28. Nozaki said information can be recorded in any order so it could be the order applicant claimed).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have recording of reproduction control information after recording information is recorded and second managing control information is recorded between recording information and reproduction control information for having more flexibility to control reproduction.

11. Regarding **Claim 3**, an editorial device is disclosed in Tomoyuki Okada (See Col. 1 line 11-15) for carrying out the editorial processing to change the reproduction content of recording information which has been already recorded in recordable recording medium (See Col. 3 line 64-67, Col. 4 line 1-18).

- Generating device is disclosed in Tomoyuki Okada (See Fig. 17 (1, 2, 7, 3)) newly generates second managing control information corresponding to the content of recording information after the editorial processing; and
- Second recording device is disclosed in Tomoyuki Okada (Fig. 17 (70)) records newly generated second managing control information in a vacant area on recordable recording medium (See Col. 14 line 34-39).

12. Regarding **claim 5**, Okada teaches the apparatus wherein first managing control information is recorded in an area on recordable recording medium (fig. 4A, 12, 70, col. 14 lines 34-39, col. 77 lines 12-col. 78 lines 56). Ando teaches first area including tentatively recorded video manager information. Okada and Ando fail to teach the area detected ahead of the unit recording information. Nozaki teaches (in Col. 9 line 58-62) area is reserved before recording. Therefore, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to have a area reservation before records the recording information in the recording medium.

13. **Claim 8** Okada teaches a first recording process which records the recording information and second managing control information. Ando teaches first area including tentatively recorded video manager information. Okada and Ando fail to teach reproduction control information which records after recording information is recorded; second managing control information which records between recording information and reproduction control information.

Nozaki teaches (in Col. 9 line 58-62) after recording information is recorded in a first recording process, records reproduction control information corresponding to the recording information in an area on recordable recording medium, and also area detected ahead of the recording information (See Col. 1 line 62-64); second managing control information is recorded in an area located between the area in which recording information is recorded and the area in which reproduction control information is recorded (See Col. 6 line 25-28. Nozaki said information can be recorded in any order so it could be the order applicant claimed).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have recording of reproduction control information after recording information is recorded and second managing control information is recorded between recording information and reproduction control information for having more flexibility to control reproduction.

14. Regarding **Claim 9**, an editorial process is disclosed in Tomoyuki Okada (See Col. 1 line 11-15) for carrying out the editorial processing to change the reproduction content of recording information which has been already recorded in recordable recording medium (See Col. 3 line 64-67, Col. 4 line 1-18).

- First generating process is disclosed in Tomoyuki Okada (See Fig. 17 (1, 2, 7, 3)) newly generates second managing control information corresponding to the content of recording information after the editorial processing; and
- Second recording process is disclosed in Tomoyuki Okada (Fig. 17 (70)) records newly generated second managing control information in a vacant area on recordable recording medium (See Col. 14 line 34-39).

15. Regarding **claim 11**, Okada teaches first managing control information in an area on recordable recording medium. Ando teaches first area including tentatively recorded video manager information. Okada fails to teach the area detected ahead of the unit recording information. Nozaki teaches (in Col. 9 line 58-62) area is reserved before recording. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have an area reservation before records the recording information in the recording medium.

16. Regarding **Claim 13**, Okada teaches a first recording device which records the recording information and second managing control information. Ando teaches first area

including tentatively recorded video manager information. Okada fails to teach recording of reproduction control information after recording information is recorded; second managing control information is recorded between recording information and reproduction control information.

Nozaki teaches (in Col. 9 line 58-62) after recording information is recorded in a first recording device, records reproduction control information corresponding to the recording information in an area on recordable recording medium, and also area detected ahead of the recording information (See Col. 1 line 62-64); second managing control information is recorded in an area located between the area in which recording information is recorded and the area in which reproduction control information is recorded (See Col. 6 line 25-28. Nozaki said information can be recorded in any order so it could be the order applicant claimed).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have recording of reproduction control information after recording information is recorded and second managing control information is recorded between recording information and reproduction control information for having more flexibility to control reproduction.

17. Regarding **Claim 14**, the recording control program causes the recording computer (See Fig. 17 (1), Col. 1 line 13) to further function as an editorial device is disclosed in Tomoyuki Okada (See Col. 1 line 11-15) for carrying out the editorial processing to change the reproduction content of recording information which has been

already recorded in recordable recording medium (See Col. 3 line 64-67, Col. 4 line 1-18).

- First generating device is disclosed in Tomoyuki Okada (See Fig. 17 (1, 2, 7, 3)) newly generates second managing control information corresponding to the content of recording information after the editorial processing; and
- Second recording device is disclosed in Tomoyuki Okada (Fig. 17 (70)) records newly generated second managing control information in a vacant area on recordable recording medium (See Col. 14 line 34-39).

18. In **claim 16**, Okada teaches first managing control information in an area on recordable recording medium. Ando teaches first area including tentatively recorded video manager information. Okada fails to teach the area detected ahead of the unit recording information. Nozaki teaches (in Col. 9 line 58-62) area is reserved before recording. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a area reservation before records the recording information in the recording medium.

19. Claims 6, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6148140 by Tomoyuki Okada, US 6,341,196 by Ando et al. and U.S. Patent No. 6501727 to Mitsuyuki Nozaki, in view of U.S. Patent No. 6553180 to Shinichi Kikuchi.

20. Regarding **claim 6**, Okada teaches first managing control information in an area on recordable recording medium. Ando teaches first area including tentatively recorded video manager information. Nozaki teaches recording format based on a DVD video standard (Col. 1 line 32), recordable recording medium is a DVD-R (Col. 6 line3). Okada, Ando and Nozaki fail to teach VTSI and VMGI. Kikuchi teaches VTSI (video title set information) in Fig. 4Col. 11 line 17-19. Kikuchi also teaches VMGI in Fig 5, Col. 12 line35-38, Col. 49 line 66, 67, Col. 50 line 1, 2.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have VTSI for controlling the video title set menu video object set and all the title data in VTS and VMGI for controlling the video manager menu video object set and all video title set.

21. Claim 22 is rejected for the same reason as discussed in the corresponding claim 6 above

22. Claim 23 is rejected for the same reason as discussed in the corresponding claim 6 above

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIGAR CHOWDHURY whose telephone number is (571)272-8890. The examiner can normally be reached on 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NC
08/28/2008

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621